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G-000-103.13

**NOTICE OF VIOLATION
FMPC - FERNALD
OH6 890 008 976**

12/07/89

**USEPA/DOE-FSO
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LETTER**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

2385

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REPLY TO THE ATTENTION OF:

5HR-12

DEC 07 1989

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Mr. James A. Reafsnyder
United States Department of Energy
P.O. Box 398705
Cincinnati, Ohio 45239-8705

Mr. M. Bruce Boswell
Westinghouse Materials Company of Ohio
P.O. Box 398704
Cincinnati, Ohio 45239-8704

Re: Notice of Violation
FMPC - Fernald
OH6 890 008 976

Dear Messrs. Reafsnyder and Boswell:

The United States Environmental Protection Agency (U.S. EPA) has completed a Compliance Evaluation Inspection (CEI) and a Comprehensive Groundwater Monitoring Evaluation (CME) inspection of the Feed Materials Production Center (FMPC) in Fernald, Ohio. The purpose of these inspections were to evaluate the facility's compliance with hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA).

FMPC is a treatment, storage, and disposal (TSD) facility that is owned by the United States Department of Energy (U.S. DOE) and is operated by Westinghouse Materials Company of Ohio (Westinghouse).

The CEI was completed by U.S. EPA on August 2 and 3, 1989, and the following violations were found:

1. Failure to obtain a detailed chemical and physical analysis of a representative sample of waste prior to treatment, storage, or disposal, as required by Ohio Administrative Code (OAC) 3745-65-13(A)(1);
2. Failure to obtain a detailed analysis that contains all the information that must be known to treat, store, or dispose of waste in accordance with 40 CFR 268, as required by 40 CFR 265.13(a);

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3. Failure to analyze waste in accordance with the land disposal restriction requirements, as required by 40 CFR 265.13(b)(6) and 268.7;
4. Failure to inspect, and if necessary analyze, each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest, as required by OAC 3745-65-13(A)(4);
5. Failure to specify the parameters for which each of the hazardous wastes at FMPC will be analyzed, including mixed waste parameters, as required by OAC 3745-65-13(B)(1);
6. Failure to conduct the paint filter liquids test (PFLT) for solvent still bottoms containing 160 ppm of PCBs to determine whether the waste is subject to the land disposal restrictions, as required by 40 CFR 265.13(b)(6);
7. Storage of waste subject to the land disposal restrictions, in violation of 40 CFR 268.50;
8. Failure to complete waste determinations for several waste streams including approximately 13,000 drums (many in very poor condition) stored outside of Plant 1 and for laboratory wastes that was put down drains, waste in the K-65 silos, and wastes burned in the fire training pit, as required by OAC 3745-52-11. Upon the completion of this determination, the regulatory status of several additional waste units will be evaluated;
9. Failure to record the waste codes for all containers of hazardous waste recorded in the facility's operating record, as required by OAC 3745-65-73;
10. Failure to store a drum in the KC-2 warehouse in accordance with requirements of OAC 3745-66-71;
11. Failure to secure a lid on a drum of hazardous waste in the 90-day accumulation area outside Plant 6, as required by OAC 3745-66-73;
12. Failure to complete inspections of inactive hazardous waste management units that have not completed closure, as required by OAC 3745-65-15;
13. Storage of hazardous waste containers in areas (Plant 8 warehouse and Building 79) that do not have a Part A permit, as required by 40 CFR 270;

14. Storage of hazardous waste containers at the east and west water towers without complying with OAC 3745-65-30 through 37 and OAC 3745-65-50 through 56 requirements, in violation of OAC 3745-52-34(A)(4) and OAC 3745-50;
15. Failure to include the estimated year of closure in the closure plan, as required by OAC 3745-66-12(B)(7);
16. Failure to implement a new contingency plan that addressed deficiencies previously identified, such as a list of emergency equipment and evacuation plan, as required by OAC 3745-65-52;
17. Failure to develop and maintain a closure plan for all hazardous waste units that have been used for the treatment, storage, and disposal of hazardous waste, as required by OAC 3745-66-12;
18. Failure to develop and maintain a post-closure plan, as required by OAC 3745-66-18;
19. Failure to develop closure cost estimates, as required by OAC 3745-66-44;
20. Failure to maintain post-closure cost estimates in the operating record, as required by OAC 3745-65-73; and
21. Storage of by-product material without use of 75% of the material within one-year, in violation of speculative accumulation limitations of OAC 3745-51. This material is not being stored in areas that have a permit or in accordance with operating requirements for containers of hazardous waste, in violation of OAC 3745-65 and 3745-50-10.

The CME inspection was completed by U.S. EPA in November 1989, and the following violations were identified:

1. The initial background period continued over 16 months, not 12 months, in violation of OAC 3745-65-92(D)(1);
2. The original monitoring wells completed in the till were constructed in test pits but not cased in a manner that would maintain the integrity of the monitoring wells, as required by OAC 3745-65-91(C);
3. Water level measurements were not taken at each well for the sampling period, as required by OAC 3745-65-92(E);
4. The facility did not immediately resample the groundwater after the first semiannual monitoring period (round 5), when statistically significant changes were detected in the water

quality. The wells were resampled in round 6, but there is no indication that samples were split or that statistical determinations were made, as required by OAC 3745-65-93(C)(2);

5. The assessment monitoring wells used to monitor the till aquifer are located at the perimeter of the waste pit area, but not adjacent to waste pit #4. These perimeter wells are not sufficient to determine the concentration of hazardous constituents in the groundwater at the limit of the waste management area, in violation of OAC 3745-65-93(D)(4)(b) or characterize the contaminant plume in violation of OAC 3745-70-14(C)(4);
6. The locations of the assessment monitoring wells completed in the till do not define the extent of the contaminant plume; no additional plans are presented in the Groundwater Quality Assessment Program Plan (GWQAP) or annual report for investigating the outer boundary of the plume beyond the perimeter wells, in violation of OAC 3745-65-93(D)(4)(a);
7. The GWQAP does not specify sampling or analytical procedures for all constituents (TOX and TOC), as required by OAC 3745-65-93(D)(3)(b);
8. The facility failed to adequately implement portions of the assessment program by not conducting the required analyses in sampling events 1 and 3 (as specified in the GWQAP), as required by OAC 3745-65-93(D)(4); and
9. The annual report for the assessment program did not include the analytical results for several wells listed in the GWQAP, as required by OAC 3745-65-94(B)(2).

U.S. EPA is evaluating the enforcement options regarding the above violations. Please contact Catherine McCord at (312 or FTS) 886-4436, if you have any questions.

Sincerely yours,



William E. Muno, Chief
RCRA Enforcement Branch

Enclosure

cc: Michael Savage, OEPA - CO
Graham Mitchell, OEPA - SWDO
Paul Pardy, OEPA - SWDO
Kitty Taimi, U.S. DOE - HDQ